

Judge in Olympia critiques sentencing limitations imposed by Legislature

Repeat DUI offender who caused victim's brain injury gets 4-year sentence

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Tyreen Wells, 36, admitted Thursday she was driving drunk on Steilacoom Road S.E. May 19, when she fled a sheriff's deputy, ran a 4-way stop sign and then crashed her Chevy Tahoe into a vehicle being driven by Andrew Kill, a former funeral director at Funeral Alternatives in Tumwater.

PHOTO BY JEREMY PAWLOSKI; STAFF WRITER

A judge told a repeat DUI offender Thursday that sentencing limits imposed by the Legislature prevent him from giving her more than 4 years in prison for causing a DUI crash that left a father of two with a permanent traumatic brain injury.

Tyreen Wells, 36, admitted Thursday she was driving drunk on Steilacoom Road S.E. May 19, when she fled a sheriff's deputy, ran a 4-way stop sign and then crashed her Chevy Tahoe into a vehicle being driven by Andrew Kill, a former funeral director at Funeral Alternatives in Tumwater.

At the time of the crash, Kill was leaving the home of a family that had just suffered the loss of a loved one who had died.

During Thursday's court hearing, Thurston County Superior Court Judge James Dixon immediately sentenced Wells to 48 months in prison following her guilty plea to vehicular assault and eluding a police vehicle.

Dixon noted that he had imposed an exceptional sentence sought by the prosecuting attorney, allowing him to increase Wells' prison time to four years.

Dixon said sentencing requirements decided by the Legislature prevent him from giving Wells any more time behind bars, even though the lives of Kill and his family will never be the same.

"At some point, you'll get out and you'll get on with your life," Dixon told Wells, who suffered only minor injuries in the May 19 crash. "After your release, when you're out in the community, Mr. Kill will still be suffering the consequences of your criminal behavior."

Dixon added that those who feel Wells' prison sentence is too low "have the right to feel that way, but I am restricted by the law, and what the Legislature tells me I can and cannot do."

Kill uses a walker to get around more than eight months after the crash, and has been unable to return to work since his release from the hospital. Kill said Thursday that he was unconscious at Harborview Medical Center in Seattle for five weeks after the crash. He added that he is "always sore."

In requesting the maximum sentence, Kill's wife, Michelle, described her husband's trials in having to relearn how to walk and talk after leaving the hospital. She cried as she explained she does not know how the family will be able to provide for their two children, Adrienne 13, and Addison, 11, because Andrew cannot return to work.

"It's very unlikely that he'll get back to where he was," Michelle Kill said.

Andrew Kill's mother, Darlene Kill-Overmyer, said she has sold her home in Ohio and moved to Washington to live with her still-rehabilitating son and help his family.

Outside court, Thurston County Deputy Prosecuting Attorney James Powers noted that the Legislature has recently changed the law, to allow longer prison sentences for DUI offenders in vehicular homicide cases.

The Legislature should now do the same thing for DUI offenders who cause permanent, disabling injuries in vehicular assault cases, Powers said.

"I do agree that the penalties for vehicular assault by driving under the influence are way too low," Powers said.

"The laws just need to be changed," Kill-Overmyer said. "He has a life sentence with this," she added, referring to her son.

Wells has two prior driving under the influence convictions. Dixon noted that the prior DUI convictions did not count against Well in her vehicular assault sentencing Thursday because they occurred over 10 years ago.

Wells' attorney, Sean Taschner, said in court that Wells has a drug and alcohol addiction, and is very remorseful for the crash that injured Kill.

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